IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23501 of 2004

Between:

1 Konijeti Gandhi S/o.Appaiah
Satyanarayanapuram Village, Garla Mandal,
Khammam Dist.
2 Konijeti Nageswara Rao S/o.Appaiah
Satyanarayanapuram Village, Garla Mandal,
Khammam Dist.
3 Konijeti Saraswarthi S/o.Appaiah
Satyanarayanapuram Village, Garla Mandal,
Khammam Dist.
4 Konijeti Prasad S/o.Appaiah
Satyanarayanapuram Village, Garla Mandal,
Khammam Dist.

..... PETITIONERS

AND

1 The Mandal Revenue Officer
Garla Mandalam, Khammam Dist.
2 The Joint Collector
Khammam Dist.
3 The Agency Divisional Office
Kothagudem.
4 State of A.P. rep by its Secretary
Revenue Department, Secretariat Building, Saifabad,
Hyderabad.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction and more particularly one in the nature of Writ of Mandamus declaring orders in Rc.No.B/1119/2003 dt
18-10-2003 and consequential orders dt 19-10-2003 directing the petitioners to

handover the possession of the schedule lands passed by the 1st Respondent after declaring the inaction of the 3rd respondent in deciding the Case No.F/1396/2004 and not granting stay of orders in Rc.No.B/1119/2003 dt 18-10-2003 and consequential orders dt 19-10-2003 of the 1st Respondent as illegal, arbitrary, discriminatory and unconstitutional and pass any other order or orders.

Counsel for the Petitioners: MR.R.BRIZ MOHAN SINGH

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORAL ORDER:

Aggrieved by the inaction of the 2nd respondent – Joint Collector in not granting stay of the proceedings of the 1st respondent – Mandal Revenue Officer, the present writ petition is filed.

The case of the petitioners is that they are landless poor persons and they are in occupation of certain extents of land. They were issued with a notice under Section 7 of the A.P.Land Encroachment Act (for short 'the Act') to which they have submitted their explanations separately. Thereafter, orders were issued under Section 6 of the Act rejecting the claim of the petitioners and accordingly they were

directed to hand over the possession of the lands. Aggrieved by the same, the petitioners have preferred appeals before the Joint Collector, Khammam, the 2nd respondent herein who by orders dated 28.2.2004 in IA No.1 of 2004 in AS No.1 of 2004 directed status quo to be maintained till disposal of the appeal. However, by orders dated 9.10.2004, the 2nd respondent has remanded the matter to the 3rd respondent herein but has not continued the status quo orders earlier granted by him. It is also stated that the petitioners have also filed an application before the 3rd respondent for granting stay of the execution of the orders of the Mandal Revenue Officer. Since no orders were passed on the said application, the present writ petition is filed.

Since the appeal preferred by the petitioner before the Joint Collector is now transferred to the 3rd respondent, in my considered opinion if the interim order earlier granted by the Joint Collector is not continued till the disposal of the appeal, there is every likelihood of the petitioners being evicted from the lands in question. Hence, without going into the merits of the case, the writ petition is disposed of directing that status quo obtaining as on today shall be maintained till the disposal of the appeal by the 3rd respondent.

No costs.

17..12..2004

msv.

To

1 The Mandal Revenue Officer
Garla Mandalam, Khammam Dist.
2 The Joint Collector
Khammam Dist.
3 The Agency Divisional Office
Kothagudem.
4 The Secretary, Revenue Department, State of A.P.
Secretariat Building, Saifabad,

Hyderabad.

5. 2 CCs to GP for Revenue, High Court of A.P. Hyderabad (OUT)

6. 2 CD copies.